

TREASURER OF STATE[781]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2008 Iowa Acts, Senate File 2432, sections 43 and 44, the Treasurer of State hereby gives Notice of Intended Action to adopt new Chapter 20, "Fairgrounds Infrastructure Grant Program," Iowa Administrative Code.

This new chapter establishes criteria for awarding infrastructure grants to qualified fairs that are members of the Association of Iowa Fairs. This grant program will allow fairs to make improvements to the permanent infrastructure of fairgrounds, including the construction, major renovation, or major repairs of buildings, appurtenant structures, or utilities. The grant program is the result of legislation, 2008 Iowa Acts, Senate File 2432, sections 43 and 44, that dedicates \$530,000 from the Rebuild Iowa Infrastructure Fund of the state to this program.

Any interested person may make written suggestions or comments pertaining to the proposed rules on or before 4:30 p.m. on December 23, 2008. Such written materials should be directed to Stephen Larson, Office of the Treasurer of State, State Capitol Building, Des Moines, Iowa 50319; fax (515)281-7562; or E-mail steve.larson@iowa.gov. Persons wishing to convey their views orally should contact Stephen Larson by telephone at (515)281-5644.

A public hearing to receive comments about the proposed rules will be held from 2 to 3:30 p.m. on December 23, 2008, in the Lucas Conference Room, First Floor, Room 148, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

These rules are intended to implement 2008 Iowa Acts, Senate File 2432, sections 43 and 44.

The following amendment is proposed.

Adopt the following **new** 781—Chapter 20:

CHAPTER 20

FAIRGROUNDS INFRASTRUCTURE GRANT PROGRAM

781—20.1(82GA,SF2432) Fairgrounds infrastructure grant program. An independent fairgrounds infrastructure grant program is established in the department, with the funds provided from the fairgrounds infrastructure aid fund established in the state treasury and under the authority of the department.

781—20.2(82GA,SF2432) Purpose. The purpose of the fairgrounds infrastructure grant program is to establish the procedures and guidelines for the distribution of department funding for infrastructure improvements to qualified fairs that belong to the Association of Iowa Fairs. No grant shall be awarded for less than \$5,000 or more than \$50,000 during any fiscal year. The department shall issue awards in accordance with the availability of moneys in the fairgrounds infrastructure aid fund.

781—20.3(82GA,SF2432) Definitions. In addition to the terms defined in Iowa Code section 174.1, the following terms, when used in this chapter, shall have the following meanings, unless the context otherwise requires:

"Department" means the office of the treasurer of state.

"Eligible applicant" means a qualified fair that is a member in good standing of the Association of Iowa Fairs.

“Fund” means the fairgrounds infrastructure aid fund established pursuant to 2008 Iowa Acts, Senate File 2432, section 43.

“Grant” means funds received through the program as evidenced by a cost-share agreement with the department.

“Grantee” means any eligible applicant receiving funds under this program.

“Matching funds” means cash or nonfinancial support that is associated with the improvements as provided by the eligible applicant.

“Nonfinancial support” may include, but is not limited to, the value of labor and services, real property, and personal property donated for purposes of the project, which are considered at their fair market value.

“Program” means the fairgrounds infrastructure grant program.

781—20.4(82GA,SF2432) Application procedures and content. The department shall develop an application for fairs to complete and submit to the department in order to apply for a grant under this program.

20.4(1) Applications must be completed and submitted to the department between July 1 and December 1 of each year.

20.4(2) Applications may be obtained by contacting the Office of the Treasurer of State, Capitol Building, Des Moines, Iowa 50319; telephone (515)281-5368.

20.4(3) Applications must be received or postmarked on or before December 1 of each year. Applications received after that date may be returned to the applicant.

20.4(4) An application shall include, but not be limited to:

- a. The applicant’s name, mailing address, E-mail address, contact person, and contact information.
- b. A statement of the specific amount of grant funds requested.
- c. An explanation of the type of improvement or improvements, with specific amounts that will be expended to pay for the improvement or improvements.
- d. An explanation as to the source of matching funds.
- e. A copy of the applicant’s most current financial statement as required under Iowa Code section 174.19.

20.4(5) If additional information is required, the applicant will be notified of the request for additional information.

781—20.5(82GA,SF2432) Eligibility. To be eligible for the fairgrounds infrastructure grant program, a fair must meet the following threshold requirements:

20.5(1) The source of the matching funds shall not include state aid.

20.5(2) An applicant must be a member in good standing of the Association of Iowa Fairs.

20.5(3) The application shall be signed by two fair officials who are members of the entity seeking the grant.

20.5(4) The applicant association must adopt a resolution requesting fairgrounds infrastructure aid funds.

20.5(5) The grant amount requested shall be not less than \$5,000 and not greater than \$50,000 during any fiscal year.

781—20.6(82GA,SF2432) Application review criteria. Applications that meet the threshold requirements detailed in rule 20.5(82GA,SF2432) will be reviewed by the department and representatives of the Association of Iowa Fairs. The department shall evaluate and rank applications based on the following criteria:

20.6(1) Inclusion of, at a minimum, the information detailed in rule 20.5(82GA,SF2432).

20.6(2) Compatibility with the program as described in 2008 Iowa Acts, Senate File 2432, section 44.

20.6(3) The feasibility of the proposed project.

20.6(4) The proportion of matching funds to be contributed to the project.

20.6(5) The extent to which the facilities enhance or promote the fair.

781—20.7(82GA,SF2432) Selection process. The department will determine, contingent upon availability of funds, the number of grant awards and the amount of each grant award.

781—20.8(82GA,SF2432) Grant denial. An application may be denied for reasons that include, but are not limited to, the following:

20.8(1) The applicant does not meet the eligibility requirements set forth in rule 20.5(82GA,SF2432).

20.8(2) The applicant does not provide sufficient information as requested in the application.

20.8(3) Funds are insufficient to award financial assistance to all qualified applicants.

20.8(4) The department received the application after the deadline stated in the application.

781—20.9(82GA,SF2432) Administration.

20.9(1) Cost-share agreement. Each grant awarded under this program shall be conveyed by means of a cost-share agreement between the management of the eligible fair and the department. The cost-share agreement shall include, but will not be limited to:

a. A description and explanation of the project or projects being funded, including a statement of the matching funds that will be pledged by the grantee.

b. The dollar amount of the grant award and the manner in which funds will be transferred.

c. The requirement for the grantee to submit to the department a report following the implementation of the funded project or projects. The report shall state how the grant funds and matching funds were expended in the execution of the contract.

d. The department's remedies in the event of a grantee's breach of contract.

20.9(2) Requests for funds. Grantees shall submit requests for funds in the manner and on forms prescribed by the department.

20.9(3) Record keeping and retention. The grantee shall retain all financial records, supporting documents and other records pertinent to the grant project for two years after closeout.

20.9(4) On-site evaluations. The department may conduct on-site evaluations of proposed projects.

20.9(5) Amendments to cost-share agreements. Any substantive change to a cost-share agreement shall be considered an amendment. Changes include time extensions and significant alteration of the funded project that changes the scope, location, objectives or scale of the approved project. Amendments must be requested in writing by the grantee and are not considered valid until approved by the department.

781—20.10(82GA,SF2432) Matching funds requirement. An eligible applicant shall provide matching funds of \$1 of nonstate moneys for every \$2 received from the department. The nonfinancial support included in the matching funds shall not exceed 35 percent.

781—20.11(82GA,SF2432) Noncompliance. If the department finds that a grantee is not in compliance with the requirements of this program, the grantee will be required to refund to the state the grant award amount. Reasons for a finding of noncompliance include, but are not limited to, a finding that the grantee is using program funds for unauthorized activities, has failed to complete the approved project in a timely manner, or has failed to comply with the grant agreement.

781—20.12(82GA,SF2432) Forms. Appropriate forms must be completed in paper or online (whichever is applicable). Current forms are available online at www.treasurer.state.ia.us. The department may from time to time provide additional forms for use by participants in connection with actions involving the fairgrounds infrastructure grant program and will make those forms available online and in paper format.

These rules are intended to implement 2008 Iowa Acts, Senate File 2432, sections 43 and 44.